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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	DECLARATION OF THOMAS A.
)	HELPER; EXHIBITS "H"- "K"
v.)	
)	
MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
Defendant.)	
)	
)	
)	
_____)	

DECLARATION OF THOMAS A. HELPER

I, THOMAS A. HELPER, declare that:

1. I am an Assistant United States Attorney for the District of Hawaii assigned to assist in the handling of this case.

2. I make this declaration to introduce documents in support of the Defendant's Third Motion for Summary Judgment.

3. Exhibit F, a letter from TSA to plaintiff informing him of his termination, is in the court file as Exhibit 11 to plaintiff's Second Concise Statement. Exhibit G, plaintiff's declaration, is already in the court's file as Exhibit 20 to plaintiff's Second Concise Statement.

4. Exhibit "H" is an authentic copy of the first two pages of Report of Investigation conducted for defendant, and of a page from Exhibit F-5 to the Report. The second page indicates the report was submitted on June 2, 2004. Exhibit F-4 to the Report was a Declaration from TSA Honolulu Training Manager Kevin Byrnes.

5. Exhibit "I" is an authentic copy of correspondence dated February 6, 2006 from Steven Nakashima, Esq, attorney for dismissed defendant Lockheed-Martin to Daphne E. Barbee, with a copy to me.

6. Exhibit "J" is an authentic copy of an October 13, 2003 email received by Kevin Byrnes from Lockheed-Martin. Byrnes gave the email to me at the August 6, 2007 deposition of Milagros Drake in this action, telling me that he had just discovered the document while cleaning out a desk drawer. I produced the document to plaintiff's counsel the same day.

6. Exhibit "K" is a true and correct copy of the transcript of the deposition of Milagros Drake.

I declare under penalty of perjury that the foregoing is true and correct to the best of my recollection and knowledge.

/s/ Thomas A. Helper

THOMAS A. HELPER